

IN THE
UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

United States of America ex rel.)	
SAMUEL MORGAN,)	
)	
Petitioner,)	
)	
v.)	No. 08 C 3378
)	
TERRY MCCANN,)	
Warden, Stateville Correctional Center)	The Honorable
)	David H. Coar,
Respondent.)	Judge Presiding.

THIRD MOTION FOR EXTENSION OF TIME

Respondent, TERRY MCCANN, respectfully moves this Honorable Court for an additional thirty (30) day extension of time to answer or otherwise plead to the above-captioned petition for writ of habeas corpus, from September 12, 2008 to and including October 13, 2008. An affidavit in support of this motion is attached hereto.

August 29, 2008

Respectfully submitted,

LISA MADIGAN
Attorney General of Illinois

By: /s/ Sheri Wong
SHERI L. WONG, Bar # 6291090
Assistant Attorney General
100 West Randolph Street, 12th Floor
Chicago, Illinois 60601-3218
TELEPHONE: (312) 814-3692
FAX: (312) 814-2253
E-MAIL: swong@atg.state.il.us

State of Illinois)
) ss.
County of Cook)

A F F I D A V I T

SHERI WONG, being first duly sworn upon oath, deposes and states as follows:

1. Respondent's answer or other responsive pleading to the instant federal habeas corpus petition currently is due to be filed on or before September 12, 2008.
2. This Court granted respondent's first motion for extension of time on July 8, 2008, extending the due date for the response from July 14, 2008, to and including August 13, 2008. This Court also granted respondent's second motion for extension of time on August 6, 2008, extending the due date for the response from August 13, 2008, to and including September 12, 2008.
3. However, despite due diligence, affiant will be unable to file a response by September 12, 2008.
4. Since affiant received the state-court records on July 17, 2008, affiant has diligently worked to review the 52-volume record and to research the issues and draft an answer to the petition, which raises approximately twelve discrete issues. However, affiant's initial review of petitioner's state court records have revealed that his case has an extensive procedural history which is accompanied by voluminous records, totaling over 10,550 pages of documents that respondent must review to draft an answer to the petition.

5. Although opposing counsel did not agree to this extension, affiant believes, in good faith, that this third extension is necessary to allow affiant to finish drafting the answer and to then allow time for the answer to be reviewed by her office's two supervising attorneys, in accordance with office protocol, before filing.

6. In addition to working on this answer, affiant has also been busy with the following matters since filing of the second extension motion: preparing an answer to a federal habeas complaint in *Hill v. Montgomery*, No. 08 C 3096 (filed on August 20, 2008); preparing a brief in *In re Detention of Devin Kugler*, No. 3-08-0123 (Ill. App. 3rd Dist.) (due to be filed on September 5, 2008); preparing an answer to a federal habeas complaint in *Young v. Robert*, No. 08-1150 (due to be filed on September 11, 2008); preparing a surreply in a federal habeas case in *Mueller v. Robert*, No. 08-185; and preparing for an Illinois Supreme Court oral argument in *People v. Harris*, No. 105320 (case to be argued on September 18, 2008).

7. The present motion for an additional extension of time is not intended for purposes of delay, but is being made solely to ensure that respondent's interests are adequately protected.

8. Respondent respectfully requests that this Honorable Court grant his motion for an additional thirty-day extension of time to and including October 13, 2008, within which to file his answer or otherwise plead to the instant petition for writ of habeas corpus.

FURTHER AFFIANT SAYETH NOT.

By: /s/ Sheri Wong

SHERI L. WONG, Bar # 6291090
Assistant Attorney General
100 West Randolph Street, 12th Floor
Chicago, Illinois 60601-3218
TELEPHONE: (312) 814-3692
FAX: (312) 814-2253
E-MAIL: swong@atg.state.il.us

CERTIFICATE OF SERVICE

I certify that on August 29, 2008, I electronically filed respondent's **Motion for Extension of Time** and the accompanying **Notice of Motion** with the Clerk of the United States District Court for the Northern District of Illinois, Eastern Division, using the CM/ECF system, which will send notice to the following

CM/ECF users:

James A. Rolfes
Matthew J. O'Hara
Marina C. Santini
Grant Y. Lee
Reed Smith LLP
10 South Wacker Drive
Chicago, IL 60606

Thomas F. Geraghty
J. Samuel Tenenbaum
Bluhm Legal Clinic
Northwestern University School of Law
357 East Chicago Avenue
Chicago, IL 60611

LISA MADIGAN
Attorney General of Illinois

By: /s/ Sheri L. Wong
Sheri L. Wong, Bar # 6291090
Assistant Attorney General
100 West Randolph Street, 12th Floor
Chicago, Illinois 60601-3218
TELEPHONE: (312) 814-3692
FAX: (312) 814-2253
EMAIL: swong@atg.state.il.us